

PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDING ORDERS

PART 5

CHIEF OFFICERS

September 2020 – Minor updates under delegation to clarify paragraphs 5.5 and 5.6

March 2021 - Amendments to reflect Officer Re-Structure agreed at Authority on 04/12/20

CHIEF OFFICERS

National Park Officer

- 5.1 The Authority shall, after consultation with Natural England, appoint an Officer, to be known as the National Park Officer, to be responsible to the Authority for the manner in which the carrying out of its different functions is co-ordinated. (Environment Act 1995)
- 5.2 Additional responsibilities shall not be assigned to the National Park Officer except after consultation between the Authority and Natural England. (Environment Act)

Appointments

- 5.3 Where the Authority proposes to appoint a Chief Officer, and it is not proposed that the appointment be made exclusively from among its existing Officers. They shall -
- (a) draw up a statement specifying -
 - (i) the duties of the Officer concerned, and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
 - (b) make arrangements for the post to be advertised in such a way is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
- 5.4 (1) Where a post has been advertised as provided in Order 5.3(b), the Authority shall:
- (a) interview all qualified applicants for the post, or
 - (b) select a short list of such qualified applicants and interview those included on the short list.
- (2) Where no qualified person has applied, the Authority shall make further arrangements for advertisement in accordance with Order 5.3 (b).
- 5.5 Every appointment of a Chief Officer shall be made by the Authority or may be delegated to a Committee or Sub-Committee or an Officer discharging that function of appointment on behalf of the Authority. In relation to the appointment of an Officer designated as the Head of Paid Service the Authority must approve that appointment before an offer of appointment is made to that person.

(2015 Regulations)

Disciplinary action

- 5.6 (1) Any allegations made relating to the conduct or capability of the Chief Executive, Monitoring Officer, Chief Finance Officer or Head of Paid Service should be referred to a Committee or Sub Committee which has been given delegated authority to act as the Investigating & Disciplinary Committee (IDC). This Committee will determine whether the allegations warrant further investigation and if appropriate appoint an Independent Investigator to look into the allegations and make recommendations.
- (2) At the time of considering the allegations the IDC may make a decision to suspend the Officer during the investigation. Any such suspension shall be on full pay and shall be reviewed by the IDC no more than two months after the day on which the suspension takes effect.

- (3) Any decision to take disciplinary action (within the meaning of Part II of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) which would result in the dismissal of the Authority's Head of Paid Service, Monitoring Officer or Chief Finance Officer or non-statutory Chief Officer may only be taken by the Authority, and only after the allegations have been investigated by an Independent Investigator and the proposed action considered by an Independent Panel appointed by the Authority including at least 2 Independent Persons appointed under section 28(7) of the Localism Act 2011. The Independent Panel must be appointed at least 20 working days before the meeting of the Authority which is to consider whether or not to approve a proposal to dismiss a Relevant Officer.
- (4) Before the taking of a vote at relevant meeting on whether or not to approve such a dismissal, the Authority must take into account
 - (a) any advice, views or recommendations of the Panel
 - (b) the conclusions of any investigation into the proposed dismissal
 - (c) any representations from the relevant officer.
- (5) Any decision to take disciplinary action short of dismissal may be made by the Committee or Sub Committee designated as the IDC and does not have to be considered by the Independent Panel. In this case the Relevant Officer has the right to appeal against the decision by referring it to the Authority's Appeals Panel. The Authority must approve the dismissal before notice of dismissal is given to that person

(2015 Regulations and Authority 07/12/18))

Meaning of Chief Officer

- 5.7 In this Part of the Standing Orders "Chief Officer" includes the Head of Paid Service, Monitoring Officer, the Chief Finance Officer and non-statutory Chief Officers, within the meaning of Section 2(7) of the Local Government Housing Act 1989, being Officers directly responsible to the National Park Officer (otherwise than persons whose duties are solely secretarial, clerical or support services).

(2015 Regulations)

For more information see:

a) Authority – 5 June 2015 - <https://democracy.peakdistrict.gov.uk/mgAi.aspx?ID=2231>

b) Authority – 7 December 2018 - <https://democracy.peakdistrict.gov.uk/mgAi.aspx?ID=9842>